

# HOUSE BILL No. 1458

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-5-10; IC 20-28-6-6; IC 20-31-5-6.

**Synopsis:** School safety and teacher contracts. Requires a school corporation to obtain a national criminal history background check for each newly hired teacher at the school corporation's expense. Requires a newly hired teacher to provide written consent and a set of fingerprints for the background check. Provides that a temporary teacher's contract must be used only in certain instances. Requires each school to adopt a comprehensive school safety plan as a component of the school's improvement plan.

**Effective:** July 1, 2007.

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**Porter**

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January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1458

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-26-5-10, AS ADDED BY P.L.1-2005,  
2       SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 10. (a) A school corporation, including a school  
4       township, shall adopt a policy concerning criminal history information  
5       for individuals who:

6           (1) apply for:

7               (A) employment with the school corporation; or

8               (B) employment with an entity with which the school  
9           corporation contracts for services;

10          (2) seek to enter into a contract to provide services to the school  
11          corporation; or

12          (3) are employed by an entity that seeks to enter into a contract to  
13          provide services to the school corporation;

14       if the individuals are likely to have direct, ongoing contact with  
15       children within the scope of the individuals' employment.

16       (b) A school corporation, including a school township, shall  
17       administer a policy adopted under this section uniformly for all

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individuals to whom the policy applies.

(c) A policy adopted under this section must require a national criminal history background check under IC 10-13-3-39 for each individual hired for certificated employment with the school corporation. The individual must provide written consent and a set of fingerprints for the school corporation to request a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment with the school corporation. The school corporation is responsible for all costs associated with obtaining the national criminal history background check.

(d) A policy adopted under this section may require any of the following:

(1) The school corporation, including a school township, may request limited criminal history information concerning each applicant for noncertificated employment ~~or certificated employment~~ from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.

(2) Each individual hired for noncertificated employment ~~or certificated employment~~ may be required to provide a written consent for the school corporation to request under IC 10-13-3 limited criminal history information or a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history background check.

(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 10-13-3-11) to the school corporation.

(4) Each individual hired for noncertificated employment may be required at the time the individual is hired to:

(A) submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3;

(B) obtain a copy of the individual's limited criminal history; and

(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 10-13-3-7) that does not appear on the limited criminal history.

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(5) Each applicant for noncertificated employment ~~or certificated employment~~ may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivisions (2), (4), and (5). An individual who is employed by an entity that seeks to enter into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program may be required to provide the consent described in subdivision (2) or the information described in subdivisions (4) and (5) to either the individual's employer or the school corporation. Failure to comply with subdivisions (2), (4), and (5), as required by the school corporation, is grounds for termination of the contract. An entity that enters into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program is allowed to obtain limited criminal history information or a national criminal history background check regarding the entity's applicants or employees in the same manner that a school corporation may obtain the information.

~~(c)~~ (e) If an individual is required to obtain a limited criminal history under this section, the individual is responsible for all costs associated with obtaining the limited criminal history.

~~(d)~~ (f) Information obtained under this section must be used in accordance with IC 10-13-3-29 **or IC 10-13-3-39.**

SECTION 2. IC 20-28-6-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A temporary teacher's contract ~~shall~~ **must** be used ~~only~~ for employing a teacher to serve in the absence of a teacher who has been granted a leave of absence by the school corporation for:

(1) engaging in defense service or in service auxiliary to defense service;

(2) professional study or advancement;

(3) exchange teaching;

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- (4) extended disability to which a licensed physician has attested;  
or
- (5) serving in the general assembly.

(b) The temporary teacher's contract must contain:

- (1) the provisions of the regular teacher's contract except those providing for continued tenure of position;
- (2) a blank space for the name of the teacher granted the leave, which may not be used on another temporary teacher's contract for the same leave of absence; and
- (3) an expiration date that:
  - (A) is the date of the return of the teacher on leave; and
  - (B) is not later than the end of the school year.

(c) If a teacher is employed on the temporary teacher's contract for at least sixty (60) days in a school year, the teacher may, on request, receive the service credit that the teacher would otherwise receive with regard to the Indiana state teachers' retirement fund. Additionally, the salary of that teacher may not be less than the state minimum salary under IC 20-28-9-1 and IC 20-28-9-2, or by a local salary schedule not less remunerative than the state minimum salary under IC 20-28-9-1 and IC 20-28-9-2.

SECTION 3. IC 20-31-5-6, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
- (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
- (3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
- (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
- (5) A provision to maximize parental participation in the school, which may include providing parents with:
  - (A) access to learning aids to assist students with school work at home;
  - (B) information on home study techniques; and
  - (C) access to school resources.
- (6) For a secondary school, a provision to do the following:
  - (A) Offer courses that allow all students to become eligible to

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- 1 receive an academic honors diploma.  
2 (B) Encourage all students to earn an academic honors  
3 diploma or complete the Core 40 curriculum.  
4 (7) A ~~provision to maintain a safe and disciplined learning~~  
5 ~~environment~~ **comprehensive school safety plan** for students and  
6 teachers.  
7 (8) A provision for the coordination of technology initiatives and  
8 ongoing professional development activities.  
9 (b) If, for a purpose other than a plan under this chapter, a school  
10 has developed materials that are substantially similar to a component  
11 listed in subsection (a), the school may substitute those materials for  
12 the component listed in subsection (a).

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